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Court hearing Friday on park clean-up

A group of local residents has filed a complaint in 16th Circuit Court seeking to delay the Oswegoland Park District's clean-up of Saw-Wee Kee Park until material dumped there is examined.

The Illinois Environmental Protection Agency (IEPA) has given the park district until May 27 to remove debris discovered during a recent inspection at the 150 acre park property off Sundown Lane in unincorporated Oswego Township.

In addition, the park district has been ordered by the U.S. Army Corps of Engineers to obtain a permit from the agency to allow the filling of a low section in the park.

Park district officials have said they plan to abide by both orders.

The IEPA investigated the park property at the request of some concerned nearby property owners Feb 22.

Until receiving the two orders, the park district had been allowing a Sundown Lane resident, Dean Smith, and an excavating firm to fill portions of the park property.

The residents' complaint, filed last Friday by Aurora Attorney Robert Pilmer on behalf about 16 nearby homeowners, seeks to prevent the park district from altering the present condition of the park "until such time as a complete examination of the nature and extent of the waste materials deposited there on can be ascertained."

The complaint also asks the court to

enjoin the park district "from continuing to cause or allow hazardous waste and refuse to be deposited upon the (park) property."

A circuit court judge is scheduled to consider the complaint tomorrow, Friday, April 12, during a preliminary hearing at the Kendall County Courthouse in Yorkville.

According to the complaint, Sundown Lane residents "repeatedly advised" Park District Director Bert Gray "of their belief that hazardous waste and refuse materials have been transported along Sundown Lane and deposited" on park property.

In a prepared statement released Tuesday afternoon, Gray described the residents' complaint as a "mixed message."

"The same people that asked the Illinois EPA to make the (park) district correct a problem then filed a suit to prevent us from taking corrective action," Gray said.

Gray indicated he believes the residents are seeking "reassurances about the safety of the area."

The IEPA order states the park district must "immediately cease" all open dumping at the park site and remove all waste to an IEPA-approved landfill.

The agency inspection report cited the park district for the following violations:

- Causing or allowing litter.
- Causing or allowing the deposition

of wastes in standing or flowing waters.

- Causing or allowing the development and/or operations of a solid waste management site without a permit issued by the agency.

- Causing or allowing the open dumping of any wastes; and,

- Conducting any waste-storage, waste treatment, or waste-disposal operation without a permitted granted by the agency.

The IEPA inspector also took samples of some of the contents of several steel drums on the park property. The samples were sent to the agency's lab for testing.

According to the residents' complaint, "various hazardous waste materials, including, but not limited to creosote railroad ties; asphalt or asbestos shingles and roofing materials; metal wastes including motor vehicle batteries; extruded plastic materials; metal drums containing liquid or sludge wastes; and laboratory or medical wastes" have been dumped at the park.

The complaint charges that the homeowners property values are "subject to depreciation" due to increased traffic—including trucks—on Sundown Lane. The complaint also contends that "seepage and leakage of hazardous wastes pose a health hazard," and threatens contamination of nearby water wells.

In his prepared statement, Gray disputed portions of the complaint.

"While the lawsuit alleges that the area poses a health hazard, the Oswegoland Park District knows of no tests or reports to indicate that a health hazard exists," Gray stated. "When IEPA's test results come back, then we'll know if there is reason for further investigation."

The state of Illinois deeded the park property to the park district in the early 1960s. The property had previously been used as a strip gravel pit mine. A portion of the property had also served as a community garbage dump.

The complaint and orders from the state agencies could impact the park district's plans to develop the park property. Horse riding and hiking trails are now located on the property.

Last fall, the Illinois Department of Conservation awarded the park district a \$60,000 grant to develop a canoe and boat launch along the Fox River in the park. Park district officials have said they hoped to construct a portion of the canoe launch this spring or summer.

Several Sundown Lane area residents voiced objections to the development of the boat launch during a public hearing in Boulder Hill last January.

Gray commented, "If the injunction requested by the neighbors is granted, it may put these plans on hold. The far-reaching request of the lawsuit may also make it impossible for the district to comply with the IEPA mandated clean-up."